

SCOTTSDALE

CITY COUNCIL MEETING



*****AMENDED*** AGENDA (REGULAR AGENDA: ITEM 22 CONTINUED TO MAY 4, 2004)**

COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Tuesday, April 20, 2004

4:15 P.M.

MARKED AGENDA

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **4:13 P.M.**

Roll Call – **ALL PRESENT**

1. Brief update on Confidential Tax Refund claims and Tax Protest(s) currently pending with the Municipal Tax Hearing Office. Contact: Joseph R. Bertoldo, City Attorney, 480-312-2405 jbertoldo@scottsdaleaz.gov; Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov - **ATTORNEY BERTOLDO**

2. MOTION TO RECESS INTO EXECUTIVE SESSION for:

Discussion with representatives of the Public Body and discussion and consultation with City attorneys for legal advice and to consider the City's position and instruct its representatives and attorneys regarding pending confidential tax refund claims and Municipal Tax Hearing Office Protest(s). A.R.S. 38-431.03 (A)(3) and -(A)(4). Contact: Joseph R. Bertoldo, City Attorney, 480-312-2405, jbertoldo@scottsdaleaz.gov; Sherry R. Scott, Assistant City Attorney, 480-312-2405, sscott@scottsdaleaz.gov - **OK – 7/0**

Adjourn Special Meeting – **4:14 P.M.**

CITY COUNCIL EXECUTIVE SESSION

Following 4:15 P.M. City Council Special Meeting

Call to Order - City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting called for 4:15 P.M.

Adjourn

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:02 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **BROWNIE TROOPS #368 AND 653**

Invocation - **PASTOR RAY BARTON FROM THE SCOTTSDALE BIBLE CHURCH**

Presentations

Historic Society Coloring Book – **DON HADDER**

School Building Week Proclamation – **MAYOR MANROSS**

Bureau of Reclamation Outstanding Recreation Manager's Award – **CAROL ERWIN**

Information Update

Presentation by Enhanced Municipal Services Chairman Scudder Gookin

Appointments

City Court Pro Tem Judges – **MOTION TO APPOINT PRO TEM JUDGES– OK – 7/0**

Boards, Commissions and Task Forces

Industrial Development Authority (1) – **RONALD FINKEL**

Library Board (1) – **LINDA TARDIE**

Neighborhood Enhancement Commission (2) – **LISA HASKELL AND JAMES POMPE**

Personnel Board (1) – **ARMANDO FLORES**

Scottsdale Pride Committee (2) – **RONALD ROBINS AND DONALD SCOTT**

Tourism Development Commission (2) – **JOHN HOLDSWORTH AND GORDON ZUCKERMAN**

Public Comment – **DANIEL BASINGER – ENVIRO KIDS FEST EVENT; RANDY NUSSBAUM – ENVIRO KIDS FEST EVENT; MIKE MERRILL – THANKED CITY STAFF FOR ACTIONS ADDRESSING CONCERNS IN MATURE AREAS OF THE CITY**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – **OK – 7/0**

SPECIAL MEETINGS

REGULAR MEETINGS

April 5, 2004

EXECUTIVE SESSIONS

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. The Myst Ballroom Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) State liquor license for an existing bar location currently operating under the business name Sanctuary.

Location: 7340 E. Shoeman Lane

Reference: 13-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

2. Sunflower Market Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 9 (liquor store) State liquor license for a location currently operating with a series 10 (beer/wine store) license.

Location: 4402 N. Miller Road

Reference: 14-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

3. Cactus Food Mart Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for an existing convenience store location that previously operated with a series 10 licenses under the business name Scottsdale Convenience Mart.

Location: 8040 E. Thomas Road

Reference: 15-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

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4. 4 Sons Food Store Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for an existing convenience store location that previously operated with a series 10 license under the business name Chevron.

Location: 11425 E. Via Linda

Reference: 16-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

5. Shanghai Palace Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 7 (beer/wine bar) State liquor license for an existing establishment, currently operating with a series 7 license.

Location: 7901 E. Thomas Road

Reference: 18-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

6. DC Ranch Street Abandonment – OK - C

Requests: Consider the following:

1. Abandon a 280 +/- foot portion of the right-of-way for Horseshoe Canyon Drive at the east side of the intersection of Thompson Peak Parkway and Horseshoe Canyon Drive.
2. Reserve a public utility easement over, under, and across the abandoned right-of-way.
3. Reserve an emergency and service vehicle access easement over and across the abandoned right-of-way.
4. Reserve a public access easement over and across the north ten (10) feet of the abandoned right-of-way.
5. Adopt Resolution No. 6475 vacating and abandoning a portion of right-of-way and roadway easement.

Location: East of the Intersection of Horseshoe Canyon Drive and Thompson Peak Parkway

Reference: 12-AB-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

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7. McDowell Mountain Community Church Abandonments – OK - C

Requests:

- Abandon the 33-foot wide Government Land Office (GLO) roadway and utility easement along the property boundaries of GLO Lots 25.
- Abandon the 33-foot wide GLO roadway and utility easement along the south, east, west and northern 125 feet of GLO lot 26.
- Abandon the 33-foot GLO roadway and utility easement along the east, west and southern property boundary of GLO lot 27.
- Adopt Resolution No. 6470 vacating and abandoning a portion of right-of-way and roadway easement.

Location: 10700 N. 124th Street (northwest corner of Shea Boulevard and 124th Street)

Reference: 11-AB-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Greg Williams, Senior Planner, 480-312-4205, gwilliams@scottsdaleaz.gov

8. Corriente by Starpointe Rezoning – OK - C

Requests:

1. To rezone from Resort/Townhouse Residential District (R-4R) and Open Space District (O-S) to Multi-Family Residential District (R-5) on a 9.28 +/- acre parcel located at 7601 E. Indian Bend Road.
2. To adopt Ordinance No. 3560 affirming the above rezoning.

Location: 7601 E. Indian Bend Road

Reference: 23-ZN-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@scottsdaleaz.gov

9. Children's Ministry Center - New Covenant Lutheran Church Rezoning and Conditional Use Permit – OK - C

Requests:

1. To rezone from Commercial Office District, Planned Community Development (C-O PCD) to Single Family Residential District, Planned Community Development (R1-5 PCD) on a 1.98 +/- acre parcel located at 15152 N. Frank Lloyd Wright Blvd.
2. To approve a conditional use permit to allow a private/charter school (pre-school) on a 1.98 +/- acre parcel located at 15152 N. Frank Lloyd Wright Blvd.
3. To adopt Ordinance No. 3561 affirming the above rezoning.

Location: 15152 N. Frank Lloyd Wright Boulevard

Reference: 3-ZN-2004 and 3-UP-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Al Ward, Senior Planner, 480-312-7067, award@scottsdaleaz.gov

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10. Village @ Iron Mountain (formerly Scottsdale Heights) Replat – OK - C

Request: Approve re-plat for a twenty-three (23) lot single-family subdivision on a parcel of approximately 14 acres.

Location: North of the northeast corner of Scottsdale Road and Mary Sharon Drive

Reference: 6-PP-2001

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Al Ward, Senior Planner, 480-312-7067, award@scottsdaleaz.gov

11. Mirabel Village 8 East and West Final Plat – OK - C

Request: Approve final plat for a 66-lot subdivision with amended development standards on a parcel of approximately 56.2 acres.

Location: South of Lone Mountain Parkway, between Standing Stones and Joy Ranch Roads

Reference: 16-PP-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Greg Williams, Senior Planner, 480-312-4205, gwilliams@scottsdaleaz.gov

12. WestWorld Facility Use License with Scottsdale Active 20/30 Club/Foundation to Host Nite Flite Event – OK - C

Request: Approve the WestWorld Facility Use License with the Scottsdale Active 20/30 Club for use of the WestWorld polo field east to host the Nite Flite Tent Party event on the first Saturday in October in 2004, 2005, and 2006 at the discounted rate of \$933.40 per year.

Related Policies, References: City Code 2-221(c) states: The City Manager or designee shall have the authority to enter into temporary licenses or similar agreements for the use of City-owned property, including but not limited to, land, buildings, office space, rooms, and other interior and exterior space, but not city rights-of-way. Such agreements shall be in the form approved by the City Attorney. Such agreements shall have a term of one (1) year or less and a unilateral termination clause in favor of the City that does not require the City to give more than thirty (30) days' notice of cancellation. Any license or other such agreement not meeting these criteria requires approval by the City Council.

Staff Contact(s): Brad Gessner, WestWorld General Manager, 480-312-6825, bgessner@scottsdaleaz.gov

13. WestWorld Facility Use License with Region VII Arabian Horse Association – OK - C

Request: Approve a three-year Facility Use License with Region VII-IAHA to utilize WestWorld's equestrian facilities for their 2004, 2005 and 2006 Regional Arabian Horse Shows held each April.

Related Policies, References: City Code 2-221(c) states: The City Manager or designee shall have the authority to enter into temporary licenses or similar agreements for the use of City-owned property, including but not limited to, land, buildings, office space, rooms, and other interior and exterior space, but not city rights-of-way. Such agreements shall be in the form approved by the City Attorney. Such agreements shall have a term of one (1) year or less and a unilateral termination clause in favor of the City that does not require the City to give more than thirty (30) days' notice of cancellation. Any license or other such agreement not meeting these criteria requires approval by the City Council.

Staff Contact: Brad Gessner, WestWorld General Manager, 480-312-6825, bgessner@scottsdaleaz.gov

14. Rassner/Library and Scottsdale Community/Human Services Endowments – OK - C

Request: Consider approving the distribution of interest income from City's endowment program; including the recommendation from the Library Advisory Board for an award of \$20,350 to the library and the recommendation of the Human Services Commission for awards of \$1,250 to Concerned Citizens for Community Health for Vista del Camino Ballet Folklórico and \$2,100 to Concerned Citizens for Community Health for Yaqui Youth Leadership Training.

Staff Contact(s): Debra Baird, General Manager, Community Services, 480-312-2377, dbaird@scottsdaleaz.gov; Sharyn Pennington, Budget/Operations Coordinator, 480-312-7086 shap@scottsdaleaz.gov; Cindy Ensign, Human Services Planner/Budget Specialist, 480-312-2646 censign@scottsdaleaz.gov

15. Proposed Amendment to Disabled Parking Ordinance – OK - C

Requests:

1. Consider approving the proposed amendment to the disabled parking ordinance. This amendment would clarify current ordinance and would enable the City to issue notices of violation to vehicles parked in the painted hash-marked area adjacent to each parking space that is reserved for use by the physically disabled.
2. Adopt Ordinance No. 3567 adopting the proposed amendment.

Related Policies, References:

- Chapter 17, Article V, Section 17-124 of the Scottsdale Revised Code, relating to stopping, standing or parking in places reserved for the physically disabled
- Americans with Disabilities Act Accessibility Guidelines, published in the Federal Register/Vol. 56, No. 144/July 26, 1991

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5000, arodbell@scottsdaleaz.gov; John Cocca, Deputy Chief of Police, 480-312-5370, jcocca@scottsdaleaz.gov; Bruce Kalin, Police Contract Administrator, 480-312-7014, bkalin@scottsdaleaz.gov

16. Modification of Assessment for the Bell II Improvement District – OK - C

Request: Adopt Resolution No. 6464 which will modify improvement district assessment number 000.007 for water lines, sewer lines and street improvements within the Bell II Improvement District, Series No. 106.

Related Policies, References:

- Resolution 5751, declaring the intention to form the improvement district, adopted by Council on February 4, 2001.
- Resolution 5832, ordering work to begin within the district, adopted by Council on June 5, 2001.
- Resolution 5961, approving the Assessment Diagram and Ordering the Sale of Not to Exceed \$7.9 Million Improvement District (ID) Bonds, adopted by Council on November 5, 2001.
- Resolution 6262 approving final assessments, adopted by City Council on April 1, 2003.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert M. Johnson, CIP Coordination Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

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17. Intergovernmental Agreement between the City and the Salt River Pima-Maricopa Indian Community for Transfer Services, and for Solid Waste, Recycling and Green Waste Disposal Services – OK - C

Request: Adopt Resolution No. 6474 and authorize Intergovernmental Agreement (IGA) # 940041A, which modifies, amends and restates the current landfill service agreement(s) with the Salt River Pima-Maricopa Indian Community and the Salt River Commercial Landfill Company for the transfer and disposal of non-hazardous solid waste and recyclable materials generated by the residents and businesses of Scottsdale.

Related Policies, References: IGA # 940041A (Modified and Restated August 1998); IGA # 940041A (Amended December 2000); Chapter 24 (Solid Waste Management) of the Scottsdale Revised Code. This agreement is made under the authority established in Article 1, Section 3.J. and Article 1, Section 3-1. of the Scottsdale City Charter.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Rick Pence, Solid Waste Management Director, 480-312-5605, rpence@scottsdaleaz.gov

18. Settlement of lawsuit entitled Scottsdale 275, LLC. v. City of Scottsdale, Commonly Referred to as Scottsdale National – OK - C

Request: Adopt Resolution No. 6478 authorizing the Mayor to execute Settlement Agreement and Development Agreement, Contract No. 2004-033-COS to settle Scottsdale 275, LLC v. City of Scottsdale, et al, currently pending in Arizona District Court, Cause No. CIV 02-0041 PHX MHM.

Related Policies, References: Prior resolutions (No. 6295, 6043); prior contracts for legal services (No. 2002-032-COS; 2002-032A-COS)

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Deborah W. Robberson, Deputy City Attorney, 480-312-2405, dobberson@scottsdaleaz.gov

19. Contract for Legal Services in Connection with City of Scottsdale v. Bruce Corey, et. al – OK - C

Request: Adopt Resolution No. 6476 authorizing the Mayor to execute Contract No. 2003-166A-COS, an outside counsel contract renewal in a maximum amount of One Hundred Thousand Dollars (\$100,000) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled City of Scottsdale v. Bruce Corey, et al, Superior Court Case No. CV2000-017994, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6476

Staff Contact(s): Joseph R. Bertoldo, City Attorney, 480-312-2405, jbortoldo@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

20. Public Hearing on Scottsdale's Community Development Block Grant Fiscal Year 2004-05 One-Year Annual Action Plan – OK – 7/0

Requests:

1. Solicit public testimony regarding the Fiscal Year 2004-05 Annual Action Plan for the use of Community Development Block Grant (CDBG) allocated funds in the amount of \$1,389,000; the HOME Investment Partnerships Program (HOME) allocated funds in the amount of \$417,889; and the American Dream Downpayment Initiative (ADDI) funds in the amount of \$28,856 for FY 2003-04 and \$33,741 for FY 2004-05; and
2. Adopt Resolution No. 6459 which:
 - Authorizes the submittal of Scottsdale's Annual Action Plan, and approves the execution of a contract with the U.S. Department of Housing and Urban Development (HUD) for CDBG funding;
 - Approves the return of city Housing Rehabilitation program income to the City's CDBG Line of Credit to be expended on eligible rehabilitation activities;
 - Approves the recommendations of the Human Services Commission for the allocation of Fiscal Year 2004-05 CDBG and HOME funds, Scottsdale Cares projects in the amount of \$190,000, and Human Services General Fund projects in the amount of \$180,000 for public services and \$200,000 for affordable housing;
 - Authorizes and awards contracts to agencies to be funded with Fiscal Year 2004-05 CDBG, HOME, and ADDI funds, subject to final negotiation of scopes of work and the execution of the HUD contract;
 - Authorizes and awards contracts to agencies funded through Scottsdale Cares and General Funds; and
 - Approves reprogramming of remaining resources under prior years' funding.

Related Policies, References: City Council adopted Resolution No. 5501 on March 20, 2000, which authorized and adopted the City of Scottsdale's Consolidated Plan for general use of CDBG funding and HOME funds for Fiscal Years 2000/2004.

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2377, dbaird@scottsdaleaz.gov; Mark Bethel, Community Assistance Manager, 480-312-2304, mbethel@scottsdaleaz.gov

21. Text Amendment/Environmentally Sensitive Lands Ordinance (ESLO II) – OK WITH CHANGE– 7/0

Requests:

1. Amend Ordinance 455 (Zoning Ordinance) Article VI. Supplementary Districts, Section 6.1010. Environmentally Sensitive Lands Ordinance (ESLO); Section 6.1011. Purpose; Section 6.1022. Exemptions and Exceptions; Section 6.1050. Intensity of Development; Section 6.1060. Open Space Requirements; Section 6.1070. Design Standards; Section 6.1071. Design Guidelines; Section 6.1083. Amended Development Standards; Section 6.1090. ESL Submittal Requirements; Section 6.1091. All Applications.
2. Adopt Ordinance No. 3540 affirming the above text amendment.

Location: This covers approximately 134 square miles of upper desert and mountain areas of Scottsdale and is located north and east of the Central Arizona Project (CAP) Canal

Reference: 11-TA-2000#3

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Al Ward, Senior Planner, 480-312-7067, award@scottsdaleaz.gov

*****22. South Bank Canal Mixed Use Development with Public Underground Parking Garage – Continued to May 4, 2004 – MOTION TO CONTINUE TO May 4, 2004 – OK – 7/0**

23. Review of Fiscal Year 2004-05 Operating Budget and Comprehensive Financial Policies – PRESENTATION GIVEN; NO ACTION NECESSARY

Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@ScottsdaleAZ.gov; Arthur Rullo, Budget Director, 480-312-2435, arullo@scottsdaleaz.gov

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - NONE

Adjournment – 8:33 P.M.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.